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Committee Date:	25/07/2013	Application Number:	2013/03259/PA
Accepted:	15/05/2013	Application Type:	Full Planning
Target Date:	10/07/2013		
Ward:	Erdington		

22 - 24 Station Road, Erdington, Birmingham, B23 6UB

Additional use of ground floor as Islamic prayer hall in addition to existing permitted use as ground floor education centre

Applicant: Mr H Sultani  
22 - 24 Station Road, Erdington, Birmingham, B23 6UB  
Agent: Mr Hanif Ghumra  
733 Walsall Road, Great Barr, Birmingham, B42 1EN

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Recommendation

**Approve Temporary**

1. Proposal

- 1.1. Consent is sought for the additional use of the existing ground floor education centre at 22-24 Station Road, Erdington for use as a prayer hall. The first floor area of the premises would remain as two flats.
- 1.2. The additional prayer hall facility would be available up to 5 times per day, each lasting for approximately 20 minute periods, for up to 23 worshipers, between the hours of 0415 (first prayer) to 2300 (last prayer). When the ground floor is not in use for prayer the facility would continue in its current use as an adult and children's education centre between the hours of 1000 – 1930 Monday to Friday and 1000 – 1400 Saturdays, Sundays and Bank Holidays.
- 1.3. The proposal would see the ground floor area of the building used for the three separate functions of adult education centre, children's education centre and the proposed prayer hall. No extension of the premises are proposed, therefore the three separate uses would not be operated concurrently.

2. Site & Surroundings

- 2.1. The application site is located at the junction of Station Road and Osborne Road within a mixed commercial and residential area. The site falls between Erdington town centre 150m to the east and the local centre at the junction of Station Road and Gravelly Lane 113m to the west. There is a short parade of shops on each side of Station Road, the application site forming the end unit with in a parade of 6 similar properties. Nearby uses include Osborne Junior, Infant and Nursery Schools, Highclare School, a social club and residential properties on both Station Road and Osborne Road.
- 2.2. On-street parking is restricted on Station Road in front of the application site however there is a time-limited parking bay opposite on the north side of the road. On-street parking is also prohibited for part of Osborne Road due to the school. Erdington Railway Station is located a short distance to the west.

### 3. Planning History

- 3.1. 30.04.2009. 2008/06212/PA, Change of use of ground floor area from retail shop (A1) to education centre (D1), refused.
- 3.2. 22.09.2009. APP/P4605/A/09/2105815, Appeal against council's decision to refuse application 2008/06212/PA, allowed.

### 4. Consultation/PP Responses

- 4.1. Transportation – recommend a temporary one year consent to assess the impact of the proposal.
- 4.2. Regulatory Services – Recommend a one year temporary approval.
- 4.3. WM Fire Service – No objections
- 4.4. WM Police – No objections
- 4.5. Nearby residents and Ward Councillors notified, with the following responses: -
- 4.6. Ward Councillors Gareth Moore and Robert Alden object to the proposal on the grounds that the site is located to the corner of a very busy junction with parking restrictions and limited parking available, leading to further parking disruption. The proposed hours of operation of 0415 - 1100 would have a negative impact on residential amenity in terms of noise and public nuisance/disruption. Furthermore, a previous application for this site was refused permission by the Planning Department.
- 4.7. Eight letters/emails of objection from local residents on the grounds that the proposal would lead to further highway danger and parking issues in an area which has parking restrictions in place and is difficult to find residential parking spaces already. Rubbish from the facility is left outside the premises for days, which attracts rodents and foxes. The property is located within a residential area with three nearby schools; therefore the site is not an appropriate place for a mosque. Additional noise at unreasonable times early in the morning and late at night

### 5. Policy Context

- 5.1. Relevant National Planning Policies:
  - National Planning Policy Framework.
- 5.2. Relevant Local Planning Policies:
  - UDP (2005);
  - Draft Birmingham Development Plan
  - Places for Worship and Faith-Related Community and Educational Uses – SPD

### 6. Planning Considerations

- 6.1. The National Planning Policy Framework states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses, such as offices and assembly/leisure uses that are not in an existing centre. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out

of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

- 6.2. Guidance contained within Places for Worship and Faith-Related Community and Educational Uses – SPD highlights the importance of finding the right location for uses which attract large numbers of users and identifies existing centres as preferred locations. In this case, the site is located within a small mixed use parade close to Erdington District Centre and is already in use as an Islamic education centre, I therefore consider the use acceptable in this location. Other considerations include noise, parking, access and cumulative impact.
- 6.3. The original application 2008/06212/PA for the Change of use of ground floor area of the premises from a retail shop (A1) to an education centre (D1) was refused 30<sup>th</sup> April 2009 as it was deemed that the proposal would exacerbate existing highway congestion and compromise the safety and free flow of pedestrian and vehicular traffic. However, this decision was appealed and allowed on the 22<sup>nd</sup> September 2009, with the appointed Inspector concluding 'that the proposal would neither significantly detract from the free flow of vehicular traffic on Station Road nor harm the existing conditions of highway safety for pedestrians and road users'.
- 6.4. The submitted Design and Access Statement indicates that the prayer hall would be open to prayer 5 times a day and that a maximum of 23 worshippers would attend between the hours of 0415 and 2300, whilst the existing education use would continue between the hours of 1000 and 1930 Monday to Friday and 1000 and 1400 at other times with a maximum attendance of 15 adults or 50 children. The agent has further stated that no overlap would occur between the dual uses. The statement suggests that the prayer facility is required due to demand from the local community who reside or work in the area as no other similar facility exists within walking distance of the site, worshipers would travel by foot, no special activities (festivals, ceremonies or additional services) would occur and that no music or amplified sound equipment would be installed either inside or outside of the premises.
- 6.5. Impact on residential amenity
- 6.6. The characteristics of the premises are that of a commercial premises with the previous use been that of a news agent before permission was granted for the change of use to an Islamic education centre. The premises are located to the end of a parade of 6 commercial properties which includes a café, hair salon, tattoo parlour and a vacant unit. Two residential flats are located above the premises. The wider area includes a mix of schools, a social club, residential properties and further commercial units a short distance to both the east and west.
- 6.7. The final prayer time of 2300 is not too dissimilar to late night opening times of a convenience store, or closing time of a takeaway or pub, which are present within the locality. It is anticipated that a maximum of 23 worshippers would attend at any time, but attendance is likely to be much lower at the first and last prayers. The area is a mixed commercial/residential area with the characteristics of a local centre, and many of the shops have flats above. In light of the character of the area Regulatory Services have suggested a one-year temporary approval to assess the level of any impact that may occur on residential amenity. On this basis, I consider that the impact from the proposal would not significantly adversely impact upon local residential amenity. I do not consider it necessary to prevent early morning or late evening prayers from taking place to safeguard residential amenity for the reasons

stated above, however a 1 year temporary consent could allow for the assessment of any impact on residential amenity.

6.8. Transportation Issues

6.9. The Places of Worship and Faith-Related Educational Uses SPD stipulates a parking provision of 1 space per 10sqm, if serving a local need. Based upon the floor area indicated for the prayer hall of 56sqm, the use would create a parking demand of 5 car parking spaces. Whilst the application form indicates that 2 spaces are available the submitted Design and Access statement states that 3 are available. Transportation officers have visited the site and noted that the proposed use appears to be in operation already, however it was noted that at least 50% of users arrived on foot with those arriving by car parking legally in Osborne Road. Further to these findings, the comments made by the Planning Inspector are noted in regards to the original application (2008/06212/PA) for the change of use of the premises to an Islamic education centre and the assertions made by the agent that the worshippers are from the immediate locality and would walk to and from the site. In light of Transportation's comments they recommend a one year temporary approval to assess the proposals.

7. Conclusion

7.1. On balance, and after careful consideration, I consider the proposal to be acceptable subject to a condition restricting the use to a one-year temporary period to allow the site to be assessed on residential amenity and highway safety grounds.

8. Recommendation

8.1. That planning consent be granted for a period of one year and subject to the following conditions

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- 1 Requires the use to discontinue on or before the 25/07/2014
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Prevents the use of amplification equipment
  - 4 Prevents weddings and other major events to take place on site
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Reason for Approval

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- 1 Birmingham City Council grants Planning Permission subject to the condition(s) listed below (if appropriate). The reason for granting permission is because the development is in accordance with:  
Policies 3.8, 3.10 and 8.33 - 8.35 of the Birmingham Unitary Development Plan (2005); Places of Worship and Faith Related Education and Community Uses (2011), which has been adopted as a Supplementary Planning Document; and the National Planning Policy Framework.
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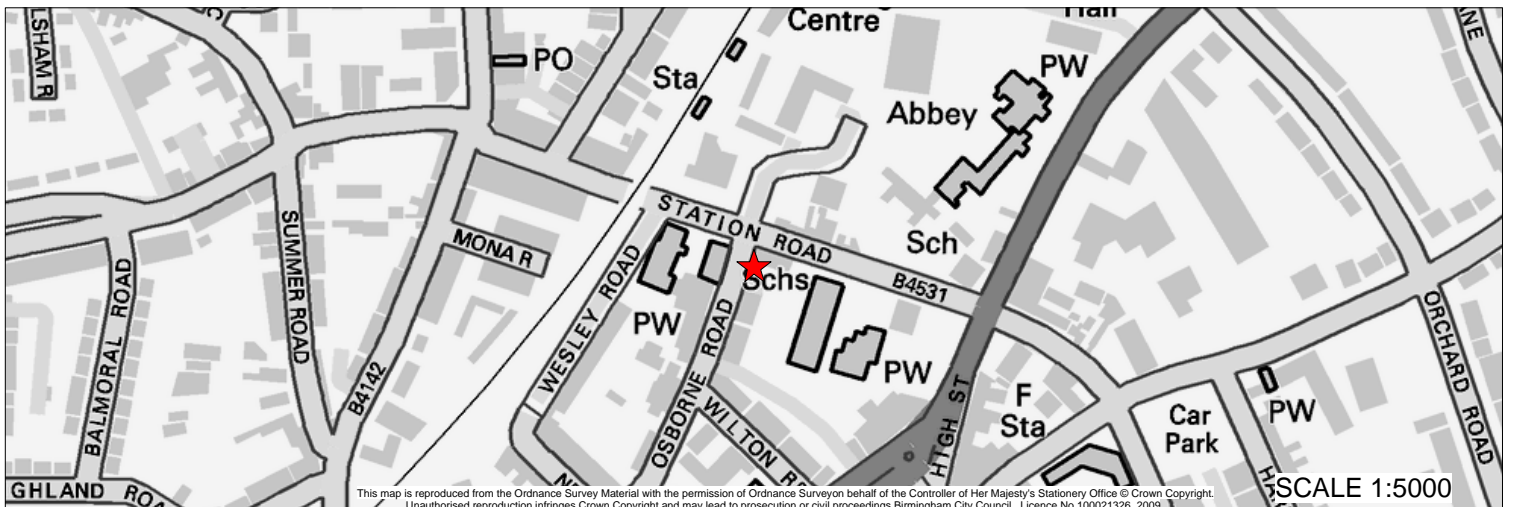
Case Officer: Keith Mellor





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SCALE 1:5000

22 - 24 Station Road  
Edlington  
Birmingham  
B23 6UB

2013/03259/PA

-  Statutory Listed Building
-  Locally Listed Buildings
-  Conservation Area
-  Neighbourhood Offices
-  Site Boundary
-  Site Location

Development Directorate  
1 Lancaster Circus  
Queensway  
Birmingham B2 2JE.



Date: 25/9/2007

